

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,)
)
) Criminal No. 05-10224-GAO
)
)
J.C. ANDERSON,)
a/k/a "Mann",)
)
) Defendant.

**UNITED STATES' MOTION
FOR SUPPLEMENTAL FINAL ORDER OF FORFEITURE**

The United States, by its attorney, Michael J. Sullivan, United States Attorney for the District of Massachusetts, hereby moves that this Court enter a Supplemental Final Order of Forfeiture in the above-captioned case, pursuant to 21 U.S.C. § 853(p). A proposed Supplemental Final Order of Forfeiture is submitted herewith. In support thereof, the United States sets forth the following:

1. On August 24, 2005, a federal grand jury sitting in the District of Massachusetts returned an three-count Indictment charging Defendant J.C. Anderson (the "Defendant") with the following: Conspiracy to Distribute Cocaine Base, in violation of 21 U.S.C. § 846 (Count One); and Distribution of Cocaine Base, in violation of 21 U.S.C. § 841 (a)(1) (Counts Two and Three).

2. The Forfeiture Allegation of the Indictment sought the forfeiture, pursuant to 21 U.S.C. § 853, of any and all property constituting, or derived from, any proceeds the Defendant obtained, directly or indirectly, as a result of such offenses;

and/or any property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of, any such violations. Such property includes, but is not limited to, the following:

One Gray 2003 Honda Pilot, VIN# 2HKYF187X3H562424, Massachusetts license plate CI947J, registered in the name of J.C. Jones Anderson (the "Honda Pilot").

3. The Forfeiture Allegation of the Indictment further provided that, if the Honda Pilot, as a result of any act or omission by the Defendant, (a) cannot be located upon the exercise of due diligence; (b) has been transferred or sold to, or deposited with, a third party; (c) has been placed beyond the jurisdiction of the Court; (d) has been substantially diminished in value; or (e) has been commingled with other property which cannot be divided without difficulty, the United States is entitled to seek forfeiture of any other property of the Defendant, up to the value of the Honda Pilot, pursuant to 21 U.S.C. § 853(p).

4. On September 5, 2006, the Defendant pled guilty to Counts One through Three of the Indictment. At the hearing pursuant to Rule 11 of the Federal Rules of Criminal Procedure, the United States provided the Court with a basis for the forfeiture of the Honda Pilot, and the Court advised the Defendant of the applicable forfeiture. The Defendant admitted that the Honda Pilot is subject to forfeiture on the grounds that

it constitutes or is derived from proceeds traceable to his offenses.

5. On March 26, 2007, this Court entered a Judgment which included the forfeiture of the Honda Pilot "or any substituted assets." See Document No. 58.

6. On April 18, 2007, the Court endorsed a Final Order of Forfeiture, directing the forfeiture of the Honda Pilot. See Document No. 62.

7. The United States has since learned that the Defendant had defaulted on his monthly payments on the lien on the Honda Pilot. The unpaid principal on the lien is approximately \$27,564.90, and the estimated value of the Honda Pilot is \$18,480.00, according to the Kelly Blue Book.

8. Due to the Defendant's nonpayment of the lien, the Honda Pilot has been substantially diminished in value, and the United States is entitled to forfeiture of substitute assets, up to the value of the Honda Pilot, pursuant to 21 U.S.C. § 853(p)(1)(D).

9. On August 25, 2005, \$1,400.00 in United States currency was seized from the Defendant. Pursuant to Rule 32.2(e)(2), the United States is now entitled to a Supplemental Final Order of Forfeiture against the Currency.

WHEREFORE, the United States respectfully moves that this Court enter a Supplemental Final Order of Forfeiture against the Currency in the form submitted herewith.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney,

/s/ Kristina E. Barclay
KRISTINA E. BARCLAY
Assistant U.S. Attorney
United States Courthouse
Suite 9200
1 Courthouse Way
Boston, MA 02210
(617) 748-3100

Date: June 21, 2007

CERTIFICATE OF SERVICE

I, Kristina E. Barclay, Assistant U.S. Attorney, hereby certify that the foregoing Motion and the proposed Order submitted herewith were filed through the Electronic Court Filing system and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing.

/s/ Kristina E. Barclay
KRISTINA E. BARCLAY
Assistant U.S. Attorney

Date: June 21, 2007

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,)
)
 v.) Criminal No. 05-10224-GAO
)
 J.C. ANDERSON,)
 a/k/a "Mann",)
 Defendant.)

SUPPLEMENTAL FINAL ORDER OF FORFEITURE

O'Toole, D.J.

WHEREAS, on August 24, 2005, a federal grand jury sitting in the District of Massachusetts returned a three-count Indictment charging Defendant, J.C. Anderson (the "Defendant") with the following: Conspiracy to Distribute Cocaine Base, in violation of 21 U.S.C. § 846 (Count One) and Distribution of Cocaine Base, in violation of 21 U.S.C. § 841 (a)(1) (Counts Two and Three);

WHEREAS, the Forfeiture Allegation of the Indictment sought the forfeiture, pursuant to 21 U.S.C. § 853, any and all property constituting, or derived from, any proceeds the Defendant obtained, directly or indirectly, as a result of such offenses; and/or any property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of, any such violations, including but not limited to the following:

One Gray 2003 Honda Pilot, VIN# 2HKYF187X3H562424,
Massachusetts license plate CI947J, registered in the
name of JC Jones Anderson (the "Honda Pilot");

WHEREAS, the Forfeiture Allegation of the Indictment further provided that, if the Honda Pilot, as a result of any act or

omission by the Defendant, (a) cannot be located upon the exercise of due diligence; (b) has been transferred or sold to, or deposited with, a third party; (c) has been placed beyond the jurisdiction of the Court; (d) has been substantially diminished in value; or (e) has been commingled with other property which cannot be divided without difficulty, the United States is entitled to seek forfeiture of any other property of the Defendant, up to the value of the Honda Pilot, pursuant to 21 U.S.C. § 853(p);

WHEREAS, on September 5, 2006, the Defendant pled guilty to Counts One through Three of the Indictment;

WHEREAS, on March 26, 2007, this Court entered a Judgment which included the forfeiture of the Honda Pilot "or any substituted assets";

WHEREAS, on April 18, 2007, the Court endorsed a Final Order of Forfeiture, directing the forfeiture of the Honda Pilot;

WHEREAS, the Defendant had defaulted on his monthly payments on the lien on the Honda Pilot, the unpaid principal on the lien is approximately \$27,564.90, and the estimated value of the Honda Pilot is \$18,480.00; and

WHEREAS, on August 25, 2005, \$1,400.00 in United States currency was seized from the Defendant,

ACCORDINGLY, it is hereby ORDERED, ADJUDGED, and DECREED:

1. The United States' Motion for a Supplemental Final Order of Forfeiture is allowed.

2. The Court finds that the government has established that, as a result of an act or omission by the Defendant, the Honda Pilot has been substantially diminished in value.

3. Pursuant to Fed.R.Crim.P. 32.2(e)(1)(B) and 21 U.S.C. § 853(p), the United States is entitled to the forfeiture of all right, title, or interest in the Currency, and the Currency is hereby forfeited to the United States of America.

4. The United States is hereby authorized to dispose of the Currency in accordance with applicable law.

GEORGE A. O'TOOLE, JR.
United States District Judge

Date: